

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESEE

September 20, 2000

IN RE:

**NOTICE OF US LEC CORP. OF "BONA FIDE
REQUEST" FOR AN INTERCONNECTION
AGREEMENT WITH TDS LOCAL EXCHANGE
CARRIERS PURSUANT TO 47 U.S.C. SEC. 251**

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DOCKET NO. 00-00026

ORDER APPOINTING A PRE-HEARING OFFICER

This matter came before the Tennessee Regulatory Authority (the "Authority") at a regularly scheduled Authority Conference held on March 28, 2000, for consideration of the appointment of a Pre-Hearing Officer in the matter of the "bona fide request" of US LEC Corporation ("US LEC") for an interconnection agreement with TDS Telecom and its local exchange operating companies ("TDS") in the state of Tennessee.

Background

On August 15, 1999, TDS filed a Petition of the Tennessee Small Local Exchange Company Coalition for Temporary Suspension of 47 U.S.C. § 251(b) and 251(c) Pursuant to 47 U.S.C. § 251(f) and 47 U.S.C. § 253(b) in Docket No. 99-00613. US LEC intervened in that proceeding, opposing the Petition.¹ During the December 16, 1999 Pre-Hearing Conference in Docket No. 99-00613, the Pre-Hearing Officer discussed a letter from US LEC to the TDS Telecom companies requesting interconnection services and seeking termination by the

¹ AT&T of the South Central States also intervened in Docket No. 99-00613.

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Authority of the TDS companies' rural exemption status pursuant to Section 251(f)(1)(B) of the federal Telecommunications Act of 1996 ("the Act"). The Pre-Hearing Officer stated the request had not been sent directly to the Authority and asked US LEC to clarify its request. US LEC's counsel stated that US LEC would clarify its request in a filing with the Authority which would serve as notice to the Authority of US LEC's request for interconnection with the TDS companies and for the termination of the TDS companies' rural exemption. In concert with US LEC's agreement to clarify its request, the parties also discussed whether such a request should be consolidated with Docket No. 99-00613.

On January 14, 2000, US LEC filed its request with the Authority.² In his first Report and Recommendation filed in Docket No. 99-00613, the Pre-Hearing Officer recommended, in light of the discussions at the December 16, 1999 Pre-Hearing Conference, that the parties file briefs on whether the US LEC's request for interconnection (Docket No. 00-00026) should be consolidated with Docket No. 99-00613. At that time it was noted that the two dockets involved similar issues and would require, for the most part, the same showing of facts during a hearing. The Authority approved the Pre-Hearing Officer's recommendation at the February 15, 2000 Authority Conference and on February 25, 2000, TDS and US LEC filed briefs on the issue of consolidation.

During the Pre-Hearing Conference in Docket No. 99-00613 held on March 17, 2000, the parties discussed the extent to which a decision on TDS's Petition in Docket No. 99-00613 would govern a decision on US LEC's request for interconnection in this docket. The parties agreed that a decision in Docket No. 99-00613 which might result in a suspension of the requirements for interconnection provided for in Section 252 of the Act would result a

² US LEC's request was filed pursuant to 47 U.S.C. § 251(f)(1) which requires that the state commission act on the request within 120 days of the date of receipt of the request.

suspension of US LEC's request. During this discussion, counsel for US LEC acknowledged that a determination of TDS's Petition in Docket No. 99-00613 would likely determine whether US LEC would proceed with its "bona fide" request in this docket. Accordingly, US LEC agreed to waive the 120-day time requirement set forth in Section 251(f)(1)(B) of the Act for a determination of its request.

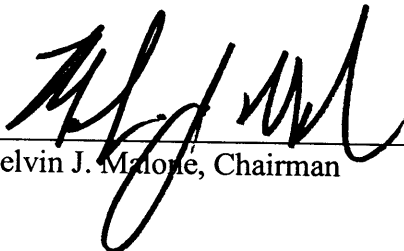

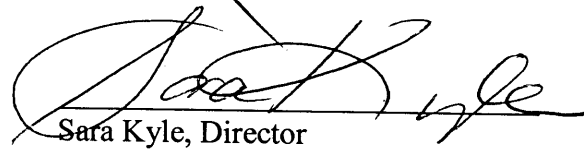
Although all issues to be determined in Docket No. 99-00613 and this proceeding are not the same, certain issues specifically related to those companies with whom US LEC is seeking to interconnect could be resolved in Docket No. 99-00613 prior to a hearing on US LEC's request. As a result of US LEC's agreement to waive the 120-day requirement for a decision, the issue of consolidating this proceeding with Docket No. 99-00613 was held in abeyance.

Notwithstanding US LEC's waiver of the 120-day period for the decision, the Authority recognizes that this proceeding should be in a posture so that action may be taken on US LEC's "bona fide" request soon after a decision is rendered on TDS's Petition in Docket No. 99-00613. At the March 28, 2000 Authority Conference, the Directors unanimously appointed the General Counsel or his designee to act as Pre-Hearing Officer in this proceeding for the purpose of hearing preliminary matters prior to the Hearing, and establishing a procedural schedule to completion pending the decision in Docket No. 99-00613.

IT IS THEREFORE ORDERED THAT:

1. The General Counsel or his designee is appointed Pre-Hearing Officer in this matter to hear preliminary matters prior to the Hearing and set a procedural schedule to completion; and

2. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from the date of this Order.


Melvin J. Malone, Chairman
H. Lynn Greer, Jr., Director
Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary